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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,675	04/02/2004	Mark Mordecai	66116-041-7	9761

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EXAMINER

SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/815,675

Applicant(s)

MORDECAI ET AL.

Examiner

Andrew W. Sutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds 150 words.

The examiner objects to the specification due to on page 2 line 6 the inventor states, "...moisture barrier extends a substantial distance above the moisture barrier..." The examiner assumes that one of the moisture barriers is believe to be thermal barrier. Proper correction is needed.

The examiner objects to the specification due to on page 2 line 14 the inventor states, "...single line os stitching..." The examiner assumes that the inventor meant to say, "...single line of stitching..." Proper correction is needed.

The examiner objects to the specification due to on page 5 line 11 the inventor states, "...moisture barrier material is formed of the usual quilted thermal insulating material..." The examiner assumes that the inventor meant to say "...thermal barrier material is formed of the usual quilted thermal insulating material ..." Proper correction is needed.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Snedeker (US 6,243,872). As to claim 1, Snedeker illustrates in Figure 1 an outer shell 60 having left 16 and right 14 sleeves (14 and 16). Figure 4 illustrates a collar comprising of an inner part 52 and an outer part 68 which are connected by stitches 72 and 72. The collar is also connected to outer shell with stitches 62. The thermal barrier 112, which has a fastening means 120 to attach to the inner collar. A second fastening means 46 is used to attach the moisture barrier to the outer collar 68.

As to claim 2, figure 4 illustrates, the thermal layer 116 is attached to the inner collar 52 with hook and loop fasteners 44 and 50.

As to claim 3, figure 4 illustrates, the moisture layer 136 is attached to the outer collar 68 with hook and loop fasteners 54 and 46.

As to claim 4, figure 4 illustrates, the moisture barrier 56 extends upward beyond the thermal barrier 112.

As to claim 5, figure 4 illustrates, that the thermal and moisture barrier are attached with stitching 132 and 134. Applicant states (page 2 line 14) in specification that stitches are a readily removable means for attachment.

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As to claim 12, figure 1 illustrates, that the upper portion of the thermal and moisture barrier are free from one another.

As to claim 13, figure 4 illustrates, the thermal layer 116 is attached to the inner collar 52 with hook and loop fasteners 44 and 50.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 9-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snedeker (US 6,243,872) in view of Aldridge (US 6,687,913). Snedeker discloses the invention as substantially disclosed above. However, Snedeker does not disclose the liner where the thermal and moisture barrier are detachably connected to one another at spaced points along the length. Aldridge does disclose a protective jacket with a liner where the moisture barrier and thermal barrier are attached at spaced point along length for allowing the jacket to be readily maintained. This is shown in figure 1 where thermal 36 and moisture 34 layers are attached via hook and loop material 68 and 78. It would have been obvious at the time of the invention to combine the removable collar system of Snedeker and the detachable layers of Aldridge to provide a coat with a removable liner with detachable layers, which can be more readily maintained.

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As to claim 7, Aldridge illustrates in figure 1 a liner with a thermal layer 36 that can be removed from the body 24.

As to claim 9, Aldridge illustrates in figure 4 the use of hook and loop fasteners to attach the thermal and moisture layers together along the bottom edge. Applicant discloses the use of stitches, which can be easily removed. Aldridge illustrates in figure 4 the use of hook and loop fasteners (94 and 96), which are detachably, connect the thermal and moisture layer along the bottom edge of the coat. The examiner interprets the two methods of attachment equivalent. The MPEP (section 2183) states a person of ordinary skill in the art would have recognized the interchangeability of the element shown in the prior art for the corresponding element disclosed in the specification. *Caterpillar Inc. v. Deere & Co.*, 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F.3d 1308, 1316, 50 USPQ2d 1161, 1165 (Fed. Cir. 1999); *Chiuminatta Concrete Concepts, Inc. v. Cardinal Indus. Inc.*, 145 F.3d 1303, 1309, 46 USPQ2d 1752, 1757 (Fed. Cir. 1998); *Lockheed Aircraft Corp. v. United States*, 193 USPQ 449, 461 (Ct. Cl. 1977); *Data Line Corp. v. Micro Technologies, Inc.*, 813 F.2d 1196, 1 USPQ2d 2052 (Fed. Cir. 1987).

As to claim 10, Aldridge illustrates in figure 4 the use of hook and loop fasteners to attach the thermal and moisture layers together along the bottom edge.

As to claim 16, Aldridge illustrates in figure 4 the lower edge of the jacket, which the moisture 34 and thermal 36 layers are folded along the end and have a single stitch running through the fold. In both cases the edge of the fabric has

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been folded over to protect the edge from abrasion. The examiner interprets the two methods of protecting the fabric edge equivalent. Recall MPEP section 2183 as stated above.

Claim 8,11, and 18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snedeker (US 6,243,872) in view of Snedeker (US 5,842,229). Snedeker discloses the invention as substantially disclosed above. However, Snedeker does not disclose the liner where the thermal barrier is detachably connected to the body portion at spaced points along the length. Snedeker ('229) illustrates in figure 1 a liner 22 that is consists of a moisture and thermal layer, which is attached to body portion with fasters 30 and 32 in order to maintain the liner in proper relationship to the body portion. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the thermal barrier of Snedeker ('872) to be detachable to the body portion at apaced points as taught by Snedeker ('229) in order to maintain the thermal barrier in proper relationship to the body portion.

As to claim 11, Snedeker illustrates in figure 1 that liner 22 is free from the body of the jacket along the bottom edge.

As to claim 18, Snedeker illustrates in figure 1 that liner 22 is free from the body of the jacket along the bottom edge.

As to claim 19, Snedeker illustrates in figure 1 a liner 22 that is contains a thermal layer, which is attached to body portion with fasters 30 and 32.

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As to claim 20, Snedeker illustrates in figure 1 a liner 22 that is consists of a moisture and thermal layer, which is attached to body portion with fasters 30 and 32.

Claims 14,15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snedeker (US 6,243,872) in view of Aldridge (US 6,687,913). Snedeker discloses the invention as substantially disclosed above. However, Snedeker does not disclose the liner where the thermal and moisture barrier are detachably connected to one another at spaced points along the length in order to provide a coat with a removable liner with detachable layers for ease of maintenance. Aldridge does disclose a protective jacket with a liner where the moisture barrier and thermal barrier are attached at spaced point along length. This is shown in figure 1 where thermal 36 and moisture 34 layers are attached via hook and loop material 68 and 78. It would have been obvious at the time of the invention to combine the removable collar system of Snedeker and the detachable layers of Aldridge to provide a coat with a removable liner with detachable layers, which can be more readily maintained.

As to claim 15, Aldridge illustrates in figure 4 the use of hook and loop fasteners to attach the thermal and moisture layers together along the bottom edge. Applicant discloses the use of stitches, which can be easily removed. Aldridge illustrates in figure 4 the use of hook and loop fasteners (94 and 96), which are detachably, connect the thermal and moisture layer along the bottom edge of the coat. The examiner interprets the two methods of attachment equivalent. The MPEP (section 2183) states a person of ordinary skill in the art



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would have recognized the interchangeability of the element shown in the prior art for the corresponding element disclosed in the specification. *Caterpillar Inc. v. Deere & Co.*, 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F.3d 1308, 1316, 50 USPQ2d 1161, 1165 (Fed. Cir. 1999); *Chiuminatta Concrete Concepts, Inc. v. Cardinal Indus. Inc.*, 145 F.3d 1303, 1309, 46 USPQ2d 1752, 1757 (Fed. Cir. 1998); *Lockheed Aircraft Corp. v. United States*, 193 USPQ 449, 461 (Ct. Cl. 1977); *Data Line Corp. v. Micro Technologies, Inc.*, 813 F.2d 1196, 1 USPQ2d 2052 (Fed. Cir. 1987).

As to claim 17, Aldridge discloses a hazardous garment with a separable moisture and thermal layer, which are separable from one another.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hewitt (5,638,547) a collar system for a firefighter suit which the liner can be removed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is 703-305-0056. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
9 September 2004

  
GARY L. WELCH  
PRIMARY EXAMINER